IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA)		
	Plaintiff,) 8:07CR71) 8:07CR420		
	vs.	DETENTION ORDER		
GII	LBERTO NORIEGA,			
	Defendant.			
A.	Order For Detention After waiving a detention hearing pursuant to 18 U.S.C. § 3142(e) and (i).	to 18 U.S.C. § 3142(f) of the Bail Reform ove-named defendant detained pursuant		
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 			
C.	intent to distribute methan U.S.C. § 846 carries a minimum of life implication distribute methamphetam minimum sentence of five sentence of forty years implication of 21 U.S.C. § 84 years imprisonment (b) The offense is a crime of the offense involves a nate of the offense involves a large.	nd includes the following: coffense charged: conspiracy to distribute and possess with mphetamine (Count I) in violation of 21 imum sentence of ten years imprisonment orisonment; the possession with intent to nine (Counts VIII and IX) both carry a e years imprisonment and a maximum prisonment; 8:07CR420 - a conspiracy to th intent to distribute cocaine (Count I) in le carries a maximum sentence of twenty violence. creotic drug. ge amount of controlled substances, to wit:		
	may affect wheth X The defendant hat X The defendant can be defendant in the defendant in the defendant of the defendant of the defendant hat the defendan	opears to have a mental condition which er the defendant will appear. as no family ties in the area. In have no steady employment. as no substantial financial resources. In hot a long time resident of the community. oes not have any significant community.		

DETENTION ORDER - Page 2

		The	e defendant has a significant prior criminal record. e defendant has a prior record of failure to appear at our proceedings.	
	(b)	At the time of	me of the current arrest, the defendant was on: Probation	
		Par		
			ease pending trial, sentence, appeal or completion of tence.	
	(c)	Other Facto		
	(5)	_X The	e defendant is an illegal alien and is subject to portation.	
		The	e defendant is a legal alien and will be subject to portation if convicted.	
			e Bureau of Immigration and Custom Enforcement	
		(BI)	CE) has placed a detainer with the U.S. Marshal.	
V	(4) TI .			
<u> X</u>			seriousness of the danger posed by the defendant's ows: The nature of the charges in the Indictment.	
Χ	X (5) Rebuttable Presumptions			
	In determining that the defendant should be detained, the Court also relied			
	on the	following reb	uttable presumption(s) contained in 18 U.S.C. § 3142(e)	
			ds the defendant has not rebutted:	
	(a)		ondition or combination of conditions will reasonably appearance of the defendant as required and the safety	
			person and the community because the Court finds that	
		the crime in	volves:	
			A crime of violence; or	
		<u>X</u> (2)	An offense for which the maximum penalty is life	
		V (2)	imprisonment or death; or	
		<u>X</u> (3)	A controlled substance violation which has a maximum penalty of 10 years or more; or	
		(4)	A felony after the defendant had been convicted of two	
		(- /	or more prior offenses described in (1) through (3)	
			above, <u>and</u> the defendant has a prior conviction for one	
			of the crimes mentioned in (1) through (3) above which	
			is less than five years old and which was committed	
while the defendant was on pretrial release. X (b) That no condition or combination of conditions will reasonal				
assure the appearance of the defendant as required and the safet				
of the community because the Court finds that there is probable				
		cause to be		
		X (1)	That the defendant has committed a controlled substance violation which has a maximum penalty of	
		(0)	10 years or more.	
		(2)	That the defendant has committed an offense under 18	
			U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of	
			violence, which provides for an enhanced punishment	
			if committed by the use of a deadly or dangerous	
			weapon or device).	

DETENTION ORDER - Page 3

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: July 16, 2008. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge